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**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement contains narrow wording that does not inhibit Microsoft's ability to commit anticompetitive actions in the future.

In particular, Sect III(J)(2) must be changed to require Microsoft to license its APIs, Documentation, and Communications Protocols to Non Profit Organizations. There are many NPOs that need this information because of their role as maintainers of software projects. The Apache Foundation is responsible for Apache, the main competitor to Microsoft's Internet Information Server (IIS). Likewise, Samba is a system that allows alternative operating systems share files with Microsoft operating systems. Samba must use Microsoft APIs in order to accomplish its tasks. There are many Non-Profit Organizations that perform similar functions, and are too numerous to be mentioned here.

Section III(D) also excludes Non Profit Organizations from information regarding the APIs for incorporating non-Microsoft middleware.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a "punishment" instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

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